

1 STEPHEN P. BERZON (#46540)
sberzon@altshulerberzon.com
2 LINDA LYÉ (#215584)
llye@altshulerberzon.com
3 CLAIRE P. PRESTEL (#235649)
cprestel@altshulerberzon.com
4 Altshuler Berzon LLP
177 Post Street, Suite 300
5 San Francisco, CA 94108
Telephone: (415) 421-7151
6 Facsimile: (415) 362-8064

7 ELIZABETH GINSBURG
(Application for Admission *Pro Hac Vice* Pending)
8 elizabeth.ginsburg@alpa.org
Air Line Pilots Association, International
9 535 Herndon Parkway
Herndon, VA 20172-1169
10 Telephone: (703) 481-2424
Facsimile: (703) 481-2478

11 Attorneys for Plaintiffs

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 SKYWEST PILOTS ALPA ORGANIZING
16 COMMITTEE, *et al.*,

17 Plaintiffs,
18 v.

19 SKYWEST AIRLINES, INC.,

20 Defendant.

CASE NO.: C07-2688 CRB

**[PROPOSED] AMENDED TEMPORARY
RESTRANING ORDER AND ORDER TO
SHOW CAUSE RE: PRELIMINARY
INJUNCTION**

22 The above-captioned matter came before the Court upon Plaintiffs' *Ex Parte* Motion For
23 A Temporary Restraining Order And Order To Show Cause Why A Preliminary Injunction
24 Should Not Issue and Defendant's Motion To Dissolve the Temporary Restraining Order
25 previously issued on May 22, 2007. A hearing was held on May 24, 2007 at which both parties
26 were represented by counsel and presented argument.

1 Having considered the evidence and legal arguments, the Court finds that Plaintiffs have
 2 demonstrated a likelihood of success on the merits and that the balance of hardships tips sharply
 3 in Plaintiffs' favor. Accordingly, Plaintiffs are entitled to a Temporary Restraining Order.

4 In support of this Temporary Restraining Order, the Court makes the following findings:

- 5 • Unlawful acts have been threatened and will be committed unless restrained or have
 been committed and will be continued unless restrained.
- 6 • Substantial and irreparable injury to Plaintiffs' property will occur in the absence of
 immediate injunctive relief.
- 7 • As to each item of relief granted in paragraphs 1 through 3 below, greater injury will
 be inflicted upon Plaintiffs by the denial of relief than will be inflicted upon
 Defendant by the granting of relief.
- 8 • Plaintiffs have no adequate remedy at law.
- 9 • Plaintiffs suffer injury in the form of the deprivation of their rights under the Railway
 Labor Act ("RLA" or "the Act"), 45 U.S.C. §152, Third and Fourth, to organize and
 to select a bargaining representative of their own choosing and specifically to engage
 in expressive and associational activity in connection with their organizing campaign,
 free of employer interference or discrimination.
- 10 • Harm to Plaintiffs is irreparable because under controlling Ninth Circuit caselaw,
 Arcamuzi v. Continental Air Lines, Inc., 819 F.2d 935, 938 (9th Cir. 1987) ("coercive
 and inhibitory effects upon . . . employees' organizational rights secured by the RLA
 . . . [are] irreparable").

11 THEREFORE, IT IS HEREBY ORDERED that the Temporary Restraining Order issued
 12 by this Court on May 22, 2007 is dissolved and superseded by this Amended Temporary
 13 Restraining Order.

14 IT IS FURTHER HEREBY ORDERED that Defendant SkyWest Airlines, Inc.
 15 ("SkyWest"), its officers, agents, servants, employees, and attorneys, and all persons acting by,
 16 through, under, or in concert with Defendant, are hereby temporarily restrained and enjoined,
 17 pending a ruling by this Court on whether a preliminary injunction should issue, from:
 18

1) Interfering in any way with SkyWest pilots' outward expression of support for ALPA and
 2 the ALPA organizing campaign and association with like-minded pilots through, *inter*
 3 *alia*, the wearing of ALPA insignia on lanyards or pins, while in uniform or off duty.

4) Interfering in any way with SkyWest pilots' communication with fellow SkyWest pilots
 5 regarding ALPA and the ALPA organizing campaign through distribution of ALPA-
 6 related materials in non-work areas such as bulletin boards and crew lounges.

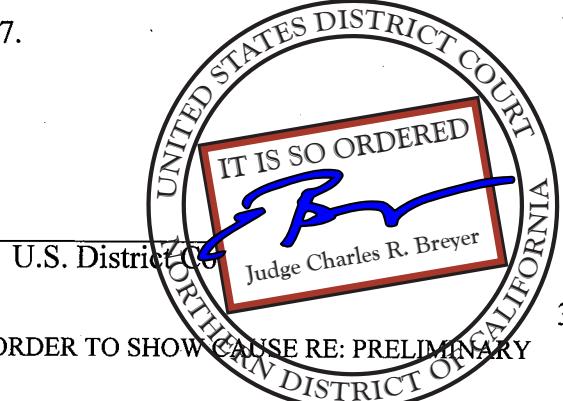
7) Discriminating in any way against SkyWest pilots with respect to the channels of
 8 communication they may use to communicate with fellow pilots, and to provide the pilots
 9 employed by SkyWest, who are members of Plaintiff SkyWest Pilots ALPA Organizing
 10 Committee and whose names appear on the attached Appendix A, with access to the
 11 same channels of communication provided to SAPA at any point during the last year,
 12 including but not limited to a dedicated bulletin board in each crew lounge where SAPA
 13 had a dedicated bulletin board at any point in the last year, general bulletin boards in
 14 crew lounges, pilot mailboxes, SkyWest's email system, and newly-hired pilot classes.

15 IT IS FURTHER HEREBY ORDERED that no bond is necessary for each of the
 16 following separate and independent reasons: (1) Plaintiffs have a strong likelihood of success on
 17 the merits; (2) there is no realistic likelihood of harm to Defendant from enjoining its conduct;
 18 and (3) the balance of hardships weighs in favor of Plaintiffs.

19 IT IS FURTHER ORDERED that Plaintiffs shall serve this restraining order and all
 20 pleadings and papers supporting their motion for a preliminary injunction on Defendants not
 21 later than May 24, 2007. Opposition to Plaintiffs' request for a preliminary injunction shall be
 22 filed and served by Defendants not later than noon May 29, 2007. Plaintiffs' reply papers shall
 23 be filed and served not later than noon May 30, 2007. A hearing on Plaintiff's request for a
 24 preliminary injunction will be held on May 31, 2007.

25 IT IS SO ORDERED.
 26

27 Date: May 24, 2007



1 APPENDIX A TO AMENDED TEMPORARY RESTRAINING ORDER
2

Phil Alford SLC CRJ Captain
Arshad Ali ORD CRJ Captain
Omar Amin PSP EM2 Captain
David Benjamin PDX EM2 Captain
Andy Bharath DEN CRJ Captain
David Boehm SLC CRJ Captain
Frank Bowlin TRG CRJ Captain
Thomas Caldwell DEN CRJ Captain
Rick Clapp ORD CRJ Captain
John Colson DEN CRJ Captain
Travis Cook SLC CRJ First Officer
Clifford Cooley DEN EM2 Captain
Erik Copeland SLC CRJ Captain
Nathaniel Cothran FAT CRJ First Officer
Shaun Cunningham ORD CRJ Captain
Jason Custer FAT CRJ Captain
Larry de Freitas SLC CRJ Captain
Steve Dow COS CRJ Captain
Chris Eyring SLC CRJ Captain
Ramon Gleser DEN CRJ Captain
Laura Goudge TRG CRJ Captain
Frank Hammond SBP EM2 Captain
Karen "Diane" Helly SLC CRJ Captain
Kurt Horst DEN CRJ Captain
Gordon Hyde DEN CRJ First Officer
Jason Ianiro ORD CRJ Captain
Russ Jacobie FAT CRJ Captain
Jesse Jenks SBP EM2 Captain
Marc Johnson ORD CRJ Captain
Steve Kanuch DEN CRJ Captain
Scott Koehler TRG CRJ Captain
Jeremy Konis TUS CRJ First Officer
Russell LaBelle COS CRJ First Officer
Jeri Lyn Liddiard SLC CRJ Captain
Todd Lisak ORD CRJ Captain
Riad Mansur ORD CRJ Captain
Diletta Martirano SAN EM2 First Officer
Jeremy Michalek SLC CRJ Captain
Darris Miller DEN CRJ Captain
Adam Miller ORD CRJ Captain
Paul Millsap SLC CRJ Captain
Scott Mitchell SLC CRJ Captain
Douglas Moriarty SLC CRJ Captain
Jeffery Nostrom SLC CRJ Captain
Mike Owiecki SMF CRJ Captain
Antonio Scamardella ORD CRJ Captain
Jeff Sciaroni DEN CRJ Captain
Curtis Sessions SLC CRJ Captain
Tracy Shrier SLC CRJ Captain
Peter Veuger DEN CRJ Captain
Allen Walker FAT CRJ Captain
Clinton Weichers MRY EM2 Captain
Tom Wimber COS CRJ First Officer